



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912**

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**DEC 10 2014**

Mr. Tim Filteau  
Aeroflex / Metelics  
Aeroflex Microelectronic Solutions  
54 Grenier Field Road  
Londonderry, NH 03053

**Re: Request for Information Issued Pursuant to Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1), and Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604(e)(2)**

Dear Mr. Filteau:

You are receiving this Information Request letter to determine if the Aeroflex / Metelics facility in Londonderry, New Hampshire ("Londonderry Facility") is subject to the requirements of Section 112(r) of the amended Clean Air Act ("CAA"), 42 U.S.C. § 7412(r), and implementing regulations set forth at 40 C.F.R. Part 68. CAA Section 112(r) and its implementing regulations mandate a federal focus on the prevention of chemical accidents. The objective of Section 112(r) is to prevent accidental releases of substances that can cause serious harm to public health and the environment. Under these requirements, industry has the obligation to prevent and mitigate accidental chemical releases by (1) identifying hazards that might result in such releases, using appropriate hazard assessment techniques; (2) designing and maintaining a safe facility, taking steps to prevent such releases; and (3) minimizing the consequences of accidental releases that do occur.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine that company's compliance with the CAA. Likewise, Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), authorizes EPA to obtain information from companies about releases or threatened releases of hazardous substances. To enable EPA to determine the compliance status of the Londonderry Facility, responses to the enclosed list of questions (Attachment 3) must be furnished within fifteen (15) calendar days of your receipt of this letter.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to justify adequately any failure to respond, within thirty (30) days of receipt of this letter can


result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, and Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). These statutes permit EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You are required to submit the requested information to:

Leonard Wallace, Enforcement Officer  
RCRA, EPCRA, and Federal Programs Unit  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES05-1  
Boston, MA 02109-3912

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. If you have any questions with regard to this Information Request, please contact Mr. Wallace of my staff at (617) 918-1835.

Sincerely,



Susan Studlien, Director  
Office of Environmental Stewardship

Enclosures

cc: Len Wallace, EPA Region 1  
Catherine Smith, EPA Region 1

## ATTACHMENT 1

(Complete and Include With Your Response)

### DECLARATION

I declare under penalty of perjury that I am

the \_\_\_\_\_ of \_\_\_\_\_,

[Title]

[Name of Facility]

that I am authorized to respond on behalf of

\_\_\_\_\_ and that the foregoing is a

[Name of Facility]

complete, true, and correct response.

Executed on \_\_\_\_\_

[Date]

[Signature]

\_\_\_\_\_  
[Type Name and Title]



## ATTACHMENT 2

**Guidance on How to Respond.** You must submit all responsive documents. Please respond separately to each of the questions, referencing each question by number in your answer. The response must include copies of all documents that you reference in your response or which you feel are relevant to the information being requested.

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. (If documents requested in response to one item duplicate those requested by another question, submit only one copy of the documentation.) Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official.

**Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to these questions become known or available after answering this request, including, but not limited to, specific information that may be deemed unknown at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering the information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Leonard Wallace of this fact as soon as possible and provide EPA with a corrected response.

**Confidential Business Information.** The information requested herein must be provided even though Aeroflex may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

**Please note the burden of proof is on you to demonstrate that information claimed as confidential satisfies the criteria set forth in 40 C.F.R. § 2.208.** If any portion of your response contains information which you claim as confidential, you must submit two copies of any such "confidential business information" in accordance with the following procedures:

- 1) The first copy of any document containing such “confidential business information” (“CBI”) must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential.
- 2) The second copy of any document that is subject to a CBI claim must be redacted so that it contains only information that is not claimed as confidential.

**Definitions.** The following definitions shall apply to the following words as they appear in this Attachment:

The term “you” or “Aeroflex” shall include Aeroflex and Aeroflex / Metelics, the addressee of this Request, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assignees, vendors, and agents.

The term “person” shall have the same definition as in Section 302(e) of the CAA, (i.e., an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof).

The term “Facility” or “Londonderry Facility” means the operations of Aeroflex (including all physical structures) in Londonderry, New Hampshire.

The term “document” means any object that contains, records, stores, or presents information, whether in paper, electronic, or any other form. The term “document” includes the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise).

The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.

The term “identify” means, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

The term “identify” means, with respect to a document, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. Part 68, in which case the statutory or regulatory definitions shall apply.

A requested document, item, or information shall be deemed to be in your possession, custody, or control if you know where it is and can obtain access to it, even if it is not presently in your possession.



### **ATTACHMENT 3**

**1. Copies of written and/or electronic documents pertaining to all shipments of chemicals containing EHSs or hydrogen to the Londonderry Facility from January 1, 2011 to December 31, 2013.**

EPA requests copies of all documents (written or electronic) from the above time period that show the quantities of any chemicals containing extremely hazardous substances (EHSs) or hydrogen (pure or in mixture with another chemical) arriving at the Aeroflex facility located at 54 Grenier Field Road, Londonderry, New Hampshire (hereinafter "Londonderry Facility" or "Facility"), specifying the origin of each shipment and the date that each shipment arrived at the Londonderry Facility. Extremely hazardous substances should be determined as described at 40 C.F.R. § 355.11 and should also consider all chemicals listed at 40 C.F.R. § 68.130. The supporting documents should include, but not be limited to: bills of lading, cargo manifests, waybills, invoices, shipping invoices, certificates of analysis, product labels, MSDS/SDS, chemical inventory system, daily inventory, product inventory, customer inventory, vendor inventory, yearly inventory, stock status reports, etc. Please make sure to delineate quantity for each chemical as either weight (e.g., pounds, kilograms), volume (e.g., gallons, liters), or number of containers. If volume data is provided, also provide the matching density value for the conditions at delivery to the Facility. If number of containers is provided, also provide the design capacity of each type and size of container indicated.

**2. Copies of written and/or electronic documents pertaining to all sales of chemicals containing EHSs or hydrogen from the Londonderry Facility from January 1, 2011 to December 31, 2013.**

EPA requests copies of all documents (written or electronic) from the above time period that show all sales of the chemicals determined for item (1) above from the Londonderry Facility and the destination of the shipments (e.g., industrial end-use customers, commercial-use customers including wholesale and retail facilities, and other user types). The supporting documentation must include the date that each shipment departed the Londonderry Facility, destination, quantity, and sale price for each individual shipment. The documents should also include, but not be limited to: the bills of lading, retail receipts, cargo manifests, waybills, invoices, shipping invoices, certificates of analysis, product labels, MSDS/SDS, chemical inventory system, daily inventory, product inventory, customer inventory, vendor inventory, yearly inventory, stock status reports, etc. Please make sure to delineate quantity of shipment as either weight (e.g., pounds, kilograms), volume (e.g., gallons, liters), or number of containers. If volume data is provided, also provide the matching density value for the conditions at departure from the Facility. If number of containers is provided, also provide the design capacity of each type and size of container indicated.

**3. Chemical inventory tracking information and associated documentation.**

EPA requests copies of all Corporate records as well as all on-site specific records for the Londonderry Facility from January 1, 2011 to December 31, 2013 that support on-going inventory or tracking data for the chemicals determined for item (1) above. The documents should include daily inventory or tracking records of quantities of the chemicals held on site at the Facility. Please make sure to delineate quantity as either weight (e.g., pounds, kilograms), volume (e.g., gallons, liters), or number of containers. If volume data is provided, also provide the matching density value for typical conditions under storage. If number of containers is provided, also provide the design capacity of each type and size of container indicated.

**4. MSDS or SDS documentation.**

Provide the most recent Material Safety Data Sheet ("MSDS") or Safety Data Sheet ("SDS") for each of the chemicals addressed in Question 1 above that is present at the Londonderry Facility.

**5. Hazard evaluation or hazard review.**

Provide copies of any hazard evaluation or hazard review that Aeroflex has conducted specifically for the Londonderry Facility to identify and prepare for hazards that chemicals present at the Facility pose to people, the environment, or infrastructure. Examples include, but are not limited to, process hazard analyses, third-party safety audits, and insurance company reviews.

**6. Emergency response planning.**

Describe what, if any, coordination Aeroflex has undertaken with the local fire department and the Local Emergency Planning Committee to prepare for emergency responses at the Londonderry Facility.